

AMENDED IN ASSEMBLY JANUARY 7, 2010

AMENDED IN ASSEMBLY JANUARY 4, 2010

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 984

Introduced by Assembly Member Nava

February 27, 2009

An act to amend Section 152.3 of, and to add Section 152.5 to, the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 984, as amended, Nava. Crimes.

Existing law requires, with specified exceptions, that any person who reasonably believes that he or she has observed the commission of either a murder or rape where the victim is a child under the age of 14 years or a lewd or lascivious act with a child under the age of 14 years, as specified, to notify a peace officer by telephone or any other means. The failure to notify a peace officer as required is a misdemeanor with specified penalties.

This bill would delete the age qualification of the victim in the case of murder or rape.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The bill would also provide that any person who is knowingly present as a spectator at any place, building, or tenement where any part of a murder or rape, or a lewd or lascivious act, as specified, with a child under the age of 14 years is occurring, with knowledge he or she is

~~watching the specified crime, with the intent to watch some or all of the crime, and without the intent to report the crime, is guilty of a felony.~~

~~By creating a new crime, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 152.3 of the Penal Code is amended to
2 read:

3 152.3. (a) Any person who reasonably believes that he or she
4 has observed the commission of any of the following offenses shall
5 notify a peace officer, as defined in Chapter 4.5 (commencing with
6 Section 830) of Title 3 of Part 2:

7 (1) Murder.

8 (2) Rape.

9 (3) A violation of paragraph (1) of subdivision (b) of Section
10 288 of the Penal Code.

11 (b) This section shall not be construed to affect privileged
12 relationships as provided by law.

13 (c) The duty to notify a peace officer imposed pursuant to
14 subdivision (a) is satisfied if the notification or an attempt to
15 provide notice is made by telephone or any other means.

16 (d) Failure to notify as required pursuant to subdivision (a) is a
17 misdemeanor and is punishable by a fine of not more than one
18 thousand five hundred dollars (\$1,500), by imprisonment in a
19 county jail for not more than six months, or by both that fine and
20 imprisonment.

21 (e) The requirements of this section shall not apply to the
22 following:

23 (1) A person who is related to either the victim or the offender,
24 including a husband, wife, parent, child, brother, sister,
25 grandparent, grandchild, or other person related by consanguinity
26 or affinity.

1 (2) A person who fails to report based on a reasonable mistake
2 of fact.

3 (3) A person who fails to report based on a reasonable fear for
4 his or her own safety or for the safety of his or her family.

5 SEC. 2. ~~Section 152.5 is added to the Penal Code, to read:~~

6 ~~152.5. Any person who is knowingly present as a spectator at~~
7 ~~any place, building, or tenement where any part of a crime specified~~
8 ~~in Section 152.3 is occurring, with knowledge he or she is watching~~
9 ~~the specified crime, with the intent to watch some or all of the~~
10 ~~crime, and without the intent to report the crime, is guilty of a~~
11 ~~felony.~~

12 ~~SEC. 3.~~

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.